REMARKS/ARGUMENTS

Currently claims 1-10 are pending. Claims 1 and 4-10 have been amended, and new claim 11 has been added. No new matter has been added with this amendment. Reconsideration of the present application is respectfully requested in light of the following remarks.

Claim Rejections - 35 U.S.C. §112

Claims 1-10 were rejected under 34 U.S.C. 112, second paragraph for allegedly being indefinite. Each of the rejections cited in the Office Action is addressed below.

Claim 1 has been amended as set forth above to better define how the spaced apart walls are situated relative to the intermediate walls.

Claims 7 and 8 have been amended to remove the term "and/or" and to better define the presently claimed invention.

Claim Rejections - 35 U.S.C. §103

Claims 1-4 and 6-9 have been rejected under 35 U.S.C. 103(a) for allegedly being obvious over Kielbowicz (USP 5,759,398) and further in view of Regulatory Guide 1.82.

In order to further the prosecution of the presently pending claims, Applicant has amended independent claim 1 and dependent claims 4-10 as set forth above. Applicant respectfully submits that the claims as amended are not obvious over the cited references for reasons set forth below.

The arguments of the Office Action appear to rely on modifying the screen of Kielbowicz to have a rectangular rather than a circular cross section, as set forth in the Office Action at page 5: "...i.e. to reduce the curvature of the sieve pocket structure as depicted in Fig. 4, in order to provide a screen ..." The Office Action goes on to say that through conventional metal working a skilled person could modify the sieve pocket structure as depicted in Fig. 4 of Kielbowicz and arrive at the presently claimed suction screen.

However, Applicant respectfully submits that Kielbowicz teaches away and discourages such a modification, because the screen of Kielbowicz being of a cylindrical and annular form does not face the shape stability and load sustaining problems that are faced by a

non-circular or flat screen as is presently claimed. In other words, Kielbowicz does not teach or suggest such a modification since it does not have or even recognize the problem that is faced by the flat screen. In addition, the Kielbowicz screen is connected with an inlet or suction line pipe of a pump at the inlet flange (e.g., see col. 2, lines 28-30 of Kielbowicz). However, the presently pending screen is a rectangular screen adapted to be located at a suction position of sump region.

Assuming arguendo that a motivation did exist, which does not, to modify the Kielbowicz screen as suggested by the Office Action, a person skilled in conventional metalworking would still not arrive at the presently claimed screen because, the Kielbowicz screen even if flattened out as suggested by the Office Action would still only have one sieve pocket in height. In contrast, the presently claimed invention includes structural elements that are not taught or suggested by the Kielbowicz reference to arrive at the several rows and columns, a lattice or matrix of screen pockets. The structural elements in the presently claimed invention that enable the formation of such a 2-D structure include the intermediate walls.

In addition, the intermediate walls allow fluid flow between rows of suction pockets, whereas in the Kielbowicz reference, the axial end wall sections do not allow for fluid flow between the annular stacked modular disk-shaped cassette units. Furthermore, the 2-D structure of the` screen of the present invention in addition to allowing for a 2-D matrix of suction pockets, also enables the screen to be capable of withstanding the expected loads.

The Regulatory Guide 1.82 does not address the deficiencies of the primary reference (Kielbowicz). The Regulatory Guide 1.82 is a document that provides guidelines that sets forth NPSH requirements as well as providing guidelines to a power plant designer to design a sump screen so loss of NPSH by debris blockage does not occur. Only with hindsight of studying the presently claimed invention might one possibly say that the presently claimed invention meets the requirements of such a guideline. Even with this hindsight, a person of ordinary skill as suggested by the Office Action would not be motivated to flatten out the Kielbowicz screen because a flattened screen would no longer be suitable for being connected with a suction pipe of a pump, since it no longer would have an annular region and a circular flange to connect with the suction pipe of a pump. Essentially, if the Kielbowicz screen was modified as suggested by the Office Action, it would fail to meet its intended function.

Furthermore, such a flattened screen would still lack the structural elements that are needed to enable the formation of 2-D structure including the intermediate walls, to form the several rows and columns, or matrix of screen pockets such as those in the presently claimed invention.

For the reasons set forth above, Applicant respectfully submits that the presently claimed screen and the hypothetical screen as suggested by the Office Action, by combining Kielbowicz and the Regulatory Guide, are hydrodynamically and structurally very different from one-another. The hypothetical screen as suggested by the Office Action, by combining Kielbowicz and the Regulatory Guide does not disclose or suggest all the elements of the screen of claim 1.

Moreover, the Kielbowicz cassette units can only be lined up in one direction due to their annular form. Even if the annular cassette units were flattened out, as suggested by the Office Action, the long row of screen pockets would not provide flexibility to adapt the protective screen to a given area. For example, depending on the application an engineer would have to build cassette units of different length in order to use the area available. In addition, with regard to form stability a long row of single screen pockets cannot be considered an appropriate solution. In such a case one would have to consider making the row of single screen pockets in the cassette units shorter - something that neither Kielbowicz nor the Regulatory Guide suggest - and thus the number of cassette units in a protective screen of given size would be increased and, thus, also the overall cost of the assembly costs. On the other hand, the rectangular cassette units of the present invention, have a 2D matrix of screen pockets and a length to width ratio which is much better adapted for forming larger protective screens of different sizes. The cassette units of the present invention can be lined up in two directions, thus, giving much freedom in adapting the protective screen to the area available. In addition, the cassette units of the present invention exhibit a good form stability due to length to width ratio achieved by the 2D matrix of screen pockets.

For these reasons Applicant respectfully submits that amended independent claim 1 is patentable over Kielbowicz, the Regulatory Guide, and a hypothetical combination of Kielbowicz and the Regulatory Guide. The dependent claims 2-10 are also patentable at least because they depend from a patentable claim.

New Claim 11

New claim 11 has been added to better articulate and thus provide an adequate level of protection for the present invention. Support for this claim was provided in the specification as originally filed.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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